

Part B State Annual Performance Report (APR) for 2008-2009**Overview of the Annual Performance Report Development:**

The Rhode Island Department of Education (RIDE) first compiled and analyzed data for the development of the Annual Performance Report/State Performance Plan (SPP) utilizing the expertise of internal personnel. A draft along with the data was reviewed with the Rhode Island Special Education Advisory Committee (RISEAC). RISEAC advises the Commissioner and Board of Regents for Elementary and Secondary Education on matters concerning: (a) the unmet educational needs of children with disabilities; (b) comments publicly on any rules or regulations proposed by the State regarding the education of children with disabilities; (c) advises the Rhode Island Department of Education in developing evaluations and reporting on data to the Secretary under section 618 of the IDEA; (d) advises the RIDE in developing corrective action plans to address findings identified in Federal Monitoring Reports under Part B of the IDEA; and (e) advises the RIDE in developing and implementing policies relating to the coordination of services for children with disabilities. Membership of the committee is composed of individuals involved in or concerned with the education of children with disabilities. Parents of children with disabilities birth through 26 maintain the majority of the Committee Membership. The Membership also includes individuals with disabilities, teachers, representatives of institutions of higher education, private schools, charter schools, state and local education officials, administrators of programs for children with disabilities foster care and homelessness, vocational, community or business organizations, juvenile and adult corrections and State Child Serving Agencies. The SEAC reviewed the draft and provided suggestions and input. These were incorporated into the final copy of this document. Progress and slippage in meeting the targets in the SPP are discussed in detail in each indicator submitted to OSEP. All indicators are publicly available on the RIDE website at the following link:

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Each year RIDE publicly reports per 34 CFR 300.602(b)(1)(i)(A). This year per OSEP, RIDE will publicly report on Indicators 1, 2, 3, 4A, 5, 8, 9, 10, 11, 12, 13, and 14. This, per OSEP, will occur no later than June 2, 2010. The link to access Rhode Island's public reporting information which details the performance of each LEA on the targets in the SPP is:

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Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 16: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = $[(1.1(b) + 1.1(c)) \text{ divided by } 1.1] \text{ times } 100$.

FFY	Measurable and Rigorous Target
(Insert FFY)	Target set by Secretary at 100%

Actual Target Data for (2008-2009)

100%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for (Insert FFY):

New procedures that are now in place have worked to insure that all complaints are handled within the required timelines, and parents and districts receive opportunities to work through any issues outside of the due process system. These new procedures include a second person tracking timelines. These timelines begin only after all necessary documentation is received from the complainant, and providing districts and parents with an additional opportunity to resolve the dispute prior to the initiation of the complaint process. In addition, technical assistance offered by OSEP and other regional technical assistance groups, such as the Northeast Regional Resource Center, will be utilized to insure improvements over the complaint system for the following years.

Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for (Insert FFY) None at this time

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Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 17: Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = $[(3.2(a) + 3.2(b)) \text{ divided by } 3.2] \text{ times } 100$.

FFY	Measurable and Rigorous Target
(2008-2009)	Target set by Secretary at 100%

Actual Target Data for (2008-2009):

100%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for (2008-2009):

This data represents timelines ending when due process hearings are issued, not when the hearing is concluded. All hearing officers are aware of the timelines, and have been instructed to adhere to the all timelines, including timelines adjusted by 34 CFR 300.510(c).

The hearing decisions are available to the state advisory panel, and discussion of the hearing decision and overall due process information is reviewed on a biannual basis (more upon request) with the state advisory panel. This opportunity is used to inform the state advisory panel of any subsequent decisions or issues affecting the state.

It should be noted that due to a data entry error the Table 7 submitted to DAC in the fall of 2009 contained incorrect information regarding 3.2, 3.2b, and 3.3. RIDE has resubmitted the revised document to DAC with the correct information and also submitted that same revised Table 7 with this indicator to OSEP.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2008-2009:

Technical assistance, including hearing officer training, offered by OSEP and other regional technical assistance groups, such as the Northeast Regional Resource Center, will be utilized to insure improvements over the due process system.

The process currently used includes the following:

- Written request for a hearing received by RIDE
- RIDE assigns hearing officer on a rotating basis
- Notice to Hearing officers includes pre-hearing conference date and other timelines
- Hearing officer conducts independent hearing
- RIDE monitors timelines
- RIDE collects data and final decisions
- RIDE provides trainings to hearing officers

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for (Insert FFY)

None at this time

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Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = (3.1(a) divided by 3.1) times 100.

FFY	Measurable and Rigorous Target
(2008-2009)	Target set at 45%

Actual Target Data for (Insert FFY):

41%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for (2007-2008):

The reason the target hit was slightly below the target set was in part due to the fact that improvement activities for all due process systems include communication and opportunity to resolve disputes prior to filing for a due process hearing. Because parents and districts have more opportunities to resolve disputes prior to initiation of a due process hearing, it is less likely that a resolution meeting will result in an agreement.

A new data system has been developed requiring districts to record and report resolution sessions to the Department of Education. Data collected will include if and when a resolution session is held, if mediation is used in place of the resolution session (and if the parties agree to continue mediation after the 30 day timeline and if/when a party withdraws from mediation), the result of the resolution session, whether or not the resolution session was waived by both parties, and if the parties agree in writing that no agreement is possible. If the resolution session is waived, mediation extends beyond the 30 day timeline, or both parties agree that no agreement can be reached prior to the 30 day timeline, then notification will be sent to the Department of Education, and the Department will adjust the timelines and inform the hearing officer. Additionally, a database has been created to electronically record this relevant data. This will improve data collection and ensure that timelines for hearings are adhered to. Technical assistance offered by OSEP will be included in the new data collection system.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for (Insert FFY)

None at this time.

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Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 19: Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100.

FFY	Measurable and Rigorous Target
(Insert FFY)	Target set by Secretary at 100%

Actual Target Data for (2008-2009):

100%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for (2008-2009):

The process currently used includes the following:

- Request for mediation can be taken in writing, by phone, or in person
- Intake sheet with timelines completed
- Mediator appointed on a rotating basis
- Mediator conducts the mediation
- Mediator file sent to RIDE following mediation
- RI Department of Education (RIDE) completes data collection and case is closed

The mediation system continues to operate at a high level of performance. Staff contracted by the RI Department of Education continue to encourage the use of mediation to resolve disputes. The Rhode Island Technical Assistance Project performed mediator trainings this past year which included changes in the state special education regulations and the new state IEP form.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for (2008-2009)

None at this time.

